



H.R. 1281 – Deceptive Practices and Voter Intimidation Prevention Act of 2007

Floor Situation

H.R. 1281 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Rep. Rahm Emanuel (D-IL) on March 1, 2007. The House Committee on the Judiciary approved the bill, as amended, by voice vote on March 29, 2007.

H.R. 1281 is expected to be considered on the floor on June 25, 2007.

Summary

H.R. 1281:

- Prohibits “deceptive practices in Federal elections,” which is defined as when a person knowingly communicates false election-related information about a Federal election, with the intent to prevent another person from exercising the right to vote in that election, or attempts to do so.
- Establishes that anyone who commits deceptive practices in Federal elections be fined up to \$250,000 or imprisoned not more than 5 years, or both.
- Increases the maximum prison term for voter intimidation from one year to five years.

**Note: According to current law (18 USC 594(a)), voter intimidation is defined as when a person “intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, at any election held solely or in part for the purpose of electing such candidate.”*

- Allows anyone to report a violation of the deceptive practices or voter intimidation statutes to the Attorney General. If the Attorney General determines a violation has occurred, the Attorney General shall:
 - undertake all effective measures necessary to provide correct information to voters affected by the false information; and

- refer any matter under the jurisdiction of the Civil Rights Division of the Department of Justice to such division for prosecution; and refer the matter to the appropriate Federal and State authorities for criminal prosecution or civil action after the election.
- Requires the Attorney General to conduct a study on the on the feasibility of providing the corrective information (required above) through public service announcements, the emergency alert system, or other forms of public broadcast.
- Following any election for Federal office, the Attorney General is required to submit a report to Congress within 90 days with the following information:
 - detailed information on specific allegations of deceptive tactics;
 - statistical compilations of how many allegations were made and of what type;
 - the geographic locations of and the populations affected by the alleged deceptive information;
 - the status of the investigations of such allegations;
 - any corrective actions taken in response to such allegations;
 - the rationale used for any corrective actions or for any refusal to pursue an allegation;
 - the effectiveness of any such corrective actions;
 - whether a Voting Integrity Task Force was established with respect to such election, and, if so, how such task force was staffed and funded;
 - any referrals of information to other Federal, State, or local agencies;
 - any suit instituted under section 2004(b)(2) of the Revised Statutes (42 U.S.C. 1971(b)(2)) in connection with such allegations; and
 - any criminal prosecution instituted under title 18, United States Code in connection with such allegations.
- Requires the Attorney General to establish a Voting Integrity Task Force, which is responsible for carrying out the requirements of this legislation.

Cost

According to the Congressional Budget Office, “CBO estimates that implementing H.R. 1281 would cost less than \$500,000 annually from appropriated funds. Enacting the bill could affect direct spending and revenues, but CBO estimates that any such effects would not be significant.”

[CBO Estimate for H.R. 1281](#)

Staff Contact

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